

Strauss

Philosophy and Law

Introduction

According to Hermann Cohen, Maimonides is the “classic of rationalism” in Judaism. This seems to us to be correct in a more exact sense than Cohen probably meant it. Maimonides’ rationalism is the truly natural model, the standard that must be carefully guarded against every counterfeit, and the touchstone that puts modern rationalism to shame. The purpose of the present work is to arouse a prejudice in favor of this conception of Maimonides, or rather, to excite a suspicion against the powerful prejudice to the contrary.

Even someone who is free of all natural attraction to the past and who believes that the present has nothing to learn from the past because it is the age in which man has reached the highest stage of self-consciousness, yet, even such a one hits upon Maimonides’ teaching as soon as he seriously tries to gain clarity about the present he thus appraises. For this attempt can only succeed if at every moment one confronts modern rationalism, understood as the source of the present, with medieval rationalism. If one undertakes such a confrontation seriously, freely asking which of the two opposed rationalisms is the true rationalism, then in carrying out that investigation, medieval rationalism (whose classic representative for us is Maimonides) becomes more than merely a means to achieve a sharper perception of the peculiarity of modern rationalism; it becomes the standard against which modern rationalism proves to be only apparent rationalism. In just this way the self-evident starting point—namely, that the self-knowledge of the present is a necessary and sensible enter-

prise—gains a non-self-evident justification. The critique of the present, the critique of modern rationalism,¹ understood as the critique of modern sophistry, is the necessary beginning, the constant accompaniment, and the unmistakable mark of that search for truth which is possible in our age.

The present condition of Judaism as such is determined by the Enlightenment, that is, abstracting from the basic constitution of Judaism that is not touched by and through the Enlightenment. For all the peculiar appearances of the present (if one does not let oneself be deceived by their foregrounds and pretexts) point back to the movement of the seventeenth and eighteenth centuries introduced by Descartes' *Meditations* and Hobbes' *Leviathan*, that is, back as though to their source, to the Enlightenment. This fact is hard to dispute; only its scope and meaning are disputable. For the presuppositions that the present and the age of the Enlightenment share have now become so self-evident that only, or especially, the contrast between the Enlightenment and the present is apt to be noticed and taken seriously. The Enlightenment seems to have been "overcome" long ago; its justified requests have become "trivial" and seem to have received their due; its "shallowness," on the other hand, seems to have fallen into deserved contempt.

Very far from our age lies the quarrel over the literal inspiration or the merely human character of Scripture, over the reality or impossibility of the biblical miracles, over the eternity and thus the immutability or the historical variability of the Law, over the creation or the eternity of the world. Now all arguments proceed on a plane on which the great issues of the quarrel between Enlightenment and Orthodoxy do not even have to be posed. In the end, these issues even have to be rejected as "wrongly posed." If that were all there was to it, then indeed the influence of the Enlightenment on Judaism would be as unworthy of serious consideration and care as all contemporary "movements" (though not all contemporaries, to be sure) assume. But are the presuppositions of the Enlightenment really trivial? Is the Enlightenment really a contemptible opponent?

If, on the other hand, the basis of the Jewish tradition is belief in the creation of the world, in the reality of biblical miracles, in the absolute obligation and the essential immutability of the Law as based on the revelation at Sinai, then one must say that the Enlightenment has undermined the foundation of the Jewish tradition. The radical Enlightenment (Spinoza comes to mind) did just this from the beginning, with full consciousness and full intent. And as far as the moderate Enlightenment is concerned, it soon had to expiate its efforts to mediate between Orthodoxy and the radical Enlightenment—between the belief in revelation and the belief in the self-sufficiency of reason—by suffering a contempt from which even the greatest fair-mindedness of historical judgment cannot save it.

The latecomers, who saw that the attacks of Hobbes, Spinoza, Bayle, Voltaire, and Reimarus could not be parried by defensive measures such as Moses Mendelssohn's, agreed, initially, with the radical Enlightenment as opposed to Orthodoxy. Thus, to start with, they conceded all the real or supposed results and all the explicit or implicit presuppositions of the critique of miracles and of the Bible. According to their own opinion, however, they restored the foundations of the tradition through the counterattack they launched against the (radical) Enlightenment. In other words, these later figures, who recognized that every compromise between Orthodoxy and Enlightenment is incapable of being sustained, moved from the plane on which Enlightenment and Orthodoxy had fought with each other (where the moderate Enlightenment had striven for a compromise) to another, "higher" plane, which as such made a synthesis of Enlightenment and Orthodoxy possible. On this newly gained plane, these later figures remade the foundations of the tradition, even though, as is inevitable with a synthesis, in a modified, "internalized" form.

It is not exactly difficult, however, to realize that the "internalization" of such concepts as Creation, Miracle, and Revelation robs them of their entire meaning. All that distinguishes the "internalizations" of these concepts from the denial of their significance are the intentions (if not good, in any case

well-meaning) of their originators. If God did not create the world in an "external" sense, if He did not really create it, if Creation thus cannot be maintained even in its theoretical content as simply true, as the fact of Creation, then, for the sake of probity, one must deny the Creation or at least avoid talking about it. All "internalizations" of the basic assertions of the tradition have their basis in this: from the "reflected" presupposition, from the "higher" plane of the post-Enlightenment synthesis, the relation of God to nature cannot be understood any more and therefore cannot even be of interest any more.

These "internalizations," so much in use today, are in truth denials. This fact, manifest to the pristine open-minded view, is only obscured because we find ourselves initially, that is to say as long as we have not fought against our prejudices by historical reflection, wholly under the spell of the way of thought created by the Enlightenment and fortified by its successors or opponents. This bias shows itself especially in the way the "internalization" of the basic assertions of the Jewish tradition is justified. There seems to be no "internalization" of this kind for whose innocence one of the utterances of one of the traditional authorities cannot be found and brought forward as testimony. But even if one wholly ignores the unprincipled way in which expressions are torn from their context and frequently brought forward as decisive testimony, such assurances (which in truth are *ex post facto*) rest on one of two errors or on both at once. First, one calls up against the orthodox, "external" conception testimonies that belong to an undeveloped stage of the formulation of belief. In this way one can protect oneself, for example, against the teachings of literal inspiration, of the Creation as Creation *ex nihilo*, and of the immortality of the individual. Whenever these teachings first appeared in history, their relation to teachings of undisputed biblical origin is of such evident necessity that it is hard to cast doubt on them if one intends to remain in harmony with the "religion of the prophets." Insofar as one opposes the full expression of the Jewish tradition by calling on those of its elements that stand in the foreground of the Bible, and especially in the later prophets, one adheres to the method of the

Enlightenment, which has been recognized as authoritative above all by "religious liberalism." This fact is generally known, and since liberalism, partly for very good and partly for very bad reasons, recently has come into bad repute, the biblicistic, or rather the historical-critical, method of "overcoming" Orthodoxy is used ever more rarely.

Second, one calls up against Orthodoxy extreme expressions that have been ventured within the Jewish tradition. In this way, for example, one can protect oneself against the teachings of the absolute immutability of the Law and of miracles. But however well witnessed and repeated an extreme expression may be, a very "daring," very "free" expression, which (meant as daring) has as its firm ground the belief in Creation, Miracles, and Revelation that makes it possible in the first place, is one thing. According to its own meaning, such an expression is misunderstood, even perverted, if it is separated from this ground. Employing an expression founded in this way as a foundation itself is something else. Insofar as one makes an extreme expression (like a peak of a pyramid) into the foundation of the Jewish tradition, one proves again that one is wholly biased by the Enlightenment's way of thinking. For this is precisely the mark of the Enlightenment: Through a supposed or only allegedly "immanent" critique and development of the tradition, it makes the extremes of the tradition into the foundation of a position which, in truth, is wholly incompatible with the tradition.²

It must necessarily remain the case that the "internalization" of the fundamental assertions of the tradition robs them of their meaning, and that not just every compromise but also every synthesis between the opposed positions of Orthodoxy and Enlightenment proves to be untenable. Then it follows that the alternative of either Orthodoxy or Enlightenment can today no longer (or rather, not even yet) be avoided. If this is so, then one must at first and at least once descend to the level of the classical quarrel between Enlightenment and Orthodoxy where one fought and could fight over the one eternal truth, because the natural desire for truth had not yet been killed by the newer dogma that "religion" and "science" each aim at their own allotted "truth."

In order to reach this level, one does not have to remove oneself very far from the magic circle of the present. The radical Enlightenment is still alive today, and in a certain sense (namely, in reference to its ultimate and most extreme consequences), it is far more "radical" today than it was in the seventeenth and eighteenth centuries. Orthodoxy too is still alive today. The quarrel between Enlightenment and Orthodoxy, which is possible without further arrangements, must thus be repeated. Or rather, as one recognizes if one has not deliberately closed one's eyes, the long and still developing quarrel between Enlightenment and Orthodoxy must again be understood.

But has not the challenge for a repetition or a reunderstanding of this quarrel long since been silently met? Why, then, set into motion once more what has finally, finally, come to rest? Is not the critique of "internalizations," on which this challenge rests in the first instance, a case of forcing an open door? Was not the actual, although often hidden, impulse of the movement whose goal was the return to tradition and whose typical and unforgettable expression was the development, if not the teaching, of Hermann Cohen, precisely the insight into the questionable character of the "internalizations" with which the nineteenth century had in general soothed itself? Has not the condition of Judaism transformed itself wholly, through and through, during the last generation, thanks to that movement?

It must be granted that the condition of Judaism has been transformed as a consequence of the movement of return, but that it has been transformed through and through must be disputed. It was not transformed through and through³ because in the whole course of the movement of return, fundamental reflection about the conflict between Enlightenment and Orthodoxy, fundamental revision of the results of that conflict, did not follow. And yet, according to the meaning of that movement, nothing would have been more necessary than such reflection and revision.

However, the most significant representatives of this orientation did not unreservedly undertake the return to tradition. Until the end, Cohen maintained explicit reservations about

the tradition, in the name of freedom and of man's independence. And Franz Rosenzweig, who at least in a certain way went farther on Cohen's path than Cohen himself, left no doubt that he could adopt neither the traditional belief in immortality nor the allegedly characteristic concept of the Law held by German Orthodoxy. On closer inspection, we immediately recognize what neither Cohen nor Rosenzweig had scruples about admitting, namely, that these or related reservations⁴ originate with the Enlightenment. But just because the return to tradition claims to stand in connection with a "new thinking," these reservations need a principled and connected justification upon that new basis. Yet no one will dare assert that these reservations received a justification (which would consequently be a partial justification of the Enlightenment) that would satisfy reasonable claims. Rather, the return to tradition was accomplished solely in arguments with the post-Enlightenment synthesis, especially with Hegel.⁵

It was thought that the direct and thematic argument with the Enlightenment might be avoided because (consistent with the sense of the Hegelianism one had "overcome") it was assumed that the Enlightenment had been "overcome" by "overcoming" the Hegelianism that had "transcended" it. In truth, however, the critique of Hegelianism was precisely what led accordingly to a rehabilitation of the Enlightenment. For what else but a rehabilitation of the Enlightenment was the critique on which the return to tradition rested; namely, the critique of the "internalizations" that the nineteenth century had carried out, following Lessing above all? If the assertions of the tradition have also and precisely an "external" meaning, then the Enlightenment's attack, which was after all directed only against the assertions of the tradition understood "externally," was not based on a principled misunderstanding of the tradition. Hobbes, Spinoza, and Voltaire would not and did not write a single line against the tradition's "inner" meaning.

This fact should have been conceded and emphasized. And since part of the Enlightenment critique of tradition was acceded to in a way that was unclear as to principles, it would also have had to be conceded and emphasized that the conflict be-

tween Enlightenment and Orthodoxy not only did not lack an object but also was in no way settled. All those who have attentively observed the movement under discussion, however, will attest that neither the one nor the other was conceded or emphasized.⁶ Thus, exactly if the motive of this movement is justified, it wholly and especially depends on repeating or reunderstanding the classic quarrel between Enlightenment and Orthodoxy.

After all, this conflict has by no means been made groundless by the reputed "victory" of the Enlightenment over Orthodoxy. For one would have to be of the opinion that world history (actually just the history of two to three hundred years) is world judgment. In truth, however, as precisely the Enlightenment still knew, victories are "very ambiguous proofs of the just cause, or rather . . . are not at all," and therefore "he who wins the judgment and he who should win the judgment are only rarely the same person."⁷

If it depends on distinguishing between the party that won the judgment, that is, the Enlightenment, and the party that should have won the judgment, that is, by Lessing's rule, presumably Orthodoxy—in other words, if it depends on exercising the critique of the Enlightenment's victory over Orthodoxy, then, as things are, one has to bring out the dusty books that must be regarded as the classic documents of the quarrel between Enlightenment and Orthodoxy. And one must hear the arguments of both parties. Only if one does that or more precisely, only if one has the whole course of that quarrel before one's eyes, can one hope to be able to arrive at an unprejudiced view of both parties' concealed presuppositions and thereby at a reasonable judgment about the right and wrong of their quarrel.⁸

Critical testing of the arguments and counterarguments brought forth in this quarrel leads to the result that one cannot speak of a refutation of the fundamental assertions of the tradition understood "externally," because all these assertions rest on the irrefutable presupposition that God is omnipotent and that His will is unfathomable. If God is omnipotent, then miracles and revelation are possible as such, especially the miracles and revelation of the Bible. Orthodoxy, to be sure,

and therefore also the Enlightenment, care less for the possibility or impossibility of the biblical miracles and Revelation than for their reality or unreality, but in fact, almost all the attempts of the Enlightenment to demonstrate the unreality of the biblical miracles and Revelation rest on the express or silent presupposition that the impossibility of miracles is simply established, or rather, is demonstrable.

Despite this, it was precisely the most radical Enlighteners who, in making their critique, experienced the fact that as a consequence of the irrefutability of the ultimate presupposition of Orthodoxy, all the individual assertions that rest on that presupposition are indestructible. If they did not recognize it clearly, in any case they felt it vividly. Nothing proves this more clearly than the weapon that did them such excellent service that it might even be said that it alone decided the victory of Enlightenment over Orthodoxy. This weapon is mockery. As Lessing, who must have known, said, by means of mockery they tried to "laugh" Orthodoxy out of a position from which no scriptural or rational proof could expel it.

The Enlightenment's mockery of the teachings of the tradition is thus not just the consequence of a previous refutation of these teachings. It does not express the astonishment of unprejudiced men at the power of plainly absurd prejudices; rather, mockery is the refutation. In mockery, the liberation from "prejudices" presumably already discarded is consummated for the very first time. At least, even if consequent, mockery is the decisive legitimation of a liberty won in whatever way.⁹ Thus the significance of mockery for the Enlightenment's critique of religion is an indirect proof of the irrefutability of Orthodoxy. For that reason, Orthodoxy, unchanged in its essence, was able to outlast the attack of the Enlightenment and all later attacks and retreats.

Yet even though the attack of the Enlightenment upon Orthodoxy failed, the battle of the two hostile powers still had a highly consequential and positive result for the Enlightenment. It may provisionally be said that the Enlightenment succeeded for its part in defending itself against the attack of Orthodoxy. Let us take an example that is more than an example. **E**ven if it could not prove the impossibility or the unreality of

miracles, the Enlightenment could demonstrate the unknowability of miracles and thus protect itself against Orthodoxy's claims.

What holds for the aggressive critique of the Enlightenment thus does not hold for its defensive critique. The quarrel between Enlightenment and Orthodoxy made clearer and better known than before that the presuppositions of Orthodoxy (the reality of Creation, Miracles, and Revelation) are not known (philosophically or historically) but are only believed and thus lack the peculiarly obligatory character of the known. And not just this. Where pre-Enlightenment science was in a certain harmony with the teachings of faith, the new science, which had proved itself in the fight against Orthodoxy (even if it did not have its whole *raison d'être* in it) stood in an opposition to belief that was often concealed, always basically effective, and therefore always re-erupting.

The formation of the new science therefore led to the result that fundamental teachings of the tradition, which had also been counted as knowable under the presuppositions of the older science, came more and more to be viewed as merely believed. The destruction of natural theology and natural law, which, to say the least, was prepared in the age of Enlightenment, is the most important example and indeed the peculiar mark of this formation. Its final result is that unbelieving science and belief no longer have, as they did in the Middle Ages, a common basis in natural knowledge upon which a meaningful quarrel between belief and unbelief is possible. Rather, any understanding for even the possibility of an opposition between them was at the point of being lost. Orthodoxy really had no part in the world that was created by the Enlightenment and its heirs, the world of "modern culture." If it were to remain true to itself, it did not even have an entry into that world. It survived the nineteenth century, more despised than wondered at, as an uncomprehended remnant of a forgotten antiquity.

The Enlightenment thus did not allow the failure of its attack upon Orthodoxy to distract it in its reconstruction of the world. One must say rather that it was just because of this failure that the Enlightenment was compelled to reconstruct

a world. For it did not wish to limit itself to discarding the assertions of Orthodoxy as not known but only believed. Under the impact of the claims of these assertions, the Enlightenment wanted to refute them. But the assertions that the world is the creation of an omnipotent God and therefore miracles are possible in it and that man needs revelation for the guidance of his life can be refuted neither by experience nor by the principle of contradiction. For experience does not speak against the guidance of this world and of man by an unfathomable God, and the concept of an unfathomable God does not contain a contradiction in itself. If one wished to refute Orthodoxy, no other way remained but to attempt a complete understanding of the world and life without the assumption of an unfathomable God. This means that the refutation of Orthodoxy depended on the success of a system. Man had to prove himself theoretically and practically the lord of the world and the lord of his life. The world he created had to make the world that was merely "given" to him disappear. Then Orthodoxy was more than refuted, it was "outlived." Inspired by the hope of "overcoming" Orthodoxy through completion of a system, the Enlightenment scarcely noticed the failure of its actual attack on Orthodoxy. Striving for victory by means of a truly Napoleonic strategy, the Enlightenment left in its rear the uncapturable fortress of Orthodoxy, saying to itself that the enemy would not and could not risk a sortie. Renouncing the impossible direct refutation of Orthodoxy, the Enlightenment turned to its own special project, civilizing the world and man. If this project had succeeded, there might perhaps not have been any need for further proof of the Enlightenment's right to victory over Orthodoxy, just as no further proof was believed to be necessary as long as it seemed to go well. But doubts about the successes of civilization soon became doubts about the possibility of civilization. Finally, the belief is dying out that man can always push back "natural limits" even farther, progress to ever greater "freedom," "subjugate" nature, "prescribe her laws," or "generate" her by the power of pure thought. In the end, what remains of the success of the Enlightenment? What finally does prove to be the basis and justification for this success?

Despite the opposite appearance, the Enlightenment's critique of Orthodoxy is in truth merely defensive. It is based on the radical renunciation of a refutation of Orthodoxy. The Enlightenment proved only the unknowability, not the impossibility, of miracles. To be more precise, it proved that miracles cannot be known on the basis of the new natural science. The actual grounds for the Enlightenment's right thus seem to be the new natural science.

In fact, it cannot be disputed that it was the belief that the science of Galileo, Descartes, and Newton had refuted the science of Aristotle and the "natural world image" that it had explicated and which is also the Bible's "world image" that was initially decisive for the success of the Enlightenment. The reconciliations between the "modern world image" and the Bible, which shot up like weeds in the seventeenth and eighteenth centuries and are attempted often enough even today, only delayed that success and did not call it into question. For these reconciliations always work ultimately as vehicles of the Enlightenment, not as dams against it. The moderate Enlightenment is the best first harvest of the radical Enlightenment. Made acceptable by the moderate Enlightenment, the new natural science entered upon its victorious campaign as the ally and pioneer of the radical Enlightenment.

But precisely this new science could not long uphold the claim to have brought to light the truth about the world "in itself"; its "idealistic" explication already informs its beginnings.¹⁰ Modern "idealism" fulfills itself, on the one hand, in the discovery of the "aesthetic" as the purest insight into the creativity of man, and on the other hand in the discovery of the radical "historicity" of man and his world as the final overcoming of even the idea of an eternal nature, an eternal truth. Finally, it understands modern natural science as a historically conditioned form of "world interpretation" along with others; thereby it makes possible the rehabilitation of the "natural world view" on which the Bible is based.

Therefore, as soon as modern "idealism" has fully won out, the victory of Enlightenment over Orthodoxy loses its originally decisive justification. The proof that miracles cannot be known as such becomes powerless. For miracles as such are

unknowable only on the presuppositions of modern natural science. As long as this science was deemed the only path to the one truth, one could rely on the view, attested to by historical research, that the assertion of miracles is relative to the prescientific state of mankind and thus has no dignity whatsoever. But it finally appears that the facts that attest to this view allow an opposite interpretation. In the end, is not the ground of just that concept of science that guides modern science the intention to protect oneself radically against miracles? Was not the "unique" "world interpretation" of modern natural science, according to which miracles are admittedly unknowable, thought through so that miracles would be unknowable, so that man would be protected from the grasp of the omnipotent God?

Thus modern natural science could be the foundation or the means of the victory of the Enlightenment over Orthodoxy only as long as the old concept of truth, which the Enlightenment had already destroyed, still ruled the dispositions of men, and especially as long as it determined the view one had of modern natural science. Only because of this was the attempt to ground the modern ideal, the ideal of civilization by means of modern natural science, temporarily possible. It was believed that the new concept of nature was the adequate foundation of the old ideal. But this was a delusion. One was forced to ascertain that the "goal- and value-free" nature of modern natural science could tell man nothing about "ends and values," that the "Is," understood in the sense of modern natural science, contains no reference whatsoever to the "Ought" and thus that the traditional view that the right life is a life according to nature becomes meaningless on the basis of modern presuppositions.¹¹

If, therefore, modern natural science cannot justify the modern ideal, and if, correspondingly, the connection between the modern ideal and modern natural science is unmistakable, then the question must be posed whether, on the contrary, the modern ideal is in truth not the ground of modern natural science, and whether it is not also precisely a new belief rather than a new knowledge that justifies the Enlightenment.

If the question is posed in this form, it loses the taint that understandably clings to the question about the moral origins of modern natural science. For even the most believing adherents of this science admit that the rise of a new ideal (a new representation of the correct life of man) was decisive for the victory of Enlightenment over Orthodoxy, even if it only followed the success of natural science. Indeed, according to their view, the ideal of Freedom, understood as the autonomy of man and his culture, has this significance. But this view can be maintained only if one confuses "freedom," understood as autonomy, with the "freedom" of conscience, the "freedom" of philosophizing, political "freedom" or the ideal of autarky of the philosophical tradition.

Freedom, understood as the autonomy of man and his culture, is neither the original nor the eventual justification of the Enlightenment. Rather, this ideal was only viable during an interval of calm, when the fight against Orthodoxy seemed to have been fought out and, correspondingly, the revolt of the forces unchained by the Enlightenment had still not broken out against their liberator. This was the interval when, living in a habitable house, one could no longer see the foundation on which that house had been erected. In that epoch, after the final entrance into the state of civilization, one could forget the state of nature that alone could legitimize civilization and therefore one could set the "higher" ideal of culture, understood as the sovereign creation of spirit, in place of the elementary ideal of civilization, understood as the self-assertion of man against an over-powerful nature.

The Jewish tradition answers the question of the original ideal of the Enlightenment more adequately than the philosophy of culture. In many if not all cases, the Jewish tradition characterizes apostasy from the Law and rebellion against the Law as Epicureanism. Whatever facts, impressions, or suspicions may have led the rabbis to this characterization and attribution of apostasy, it is corroborated by historical investigation of the original Epicureanism. Epicurus truly epitomizes the classic critique of religion. Like no other, his whole philosophy presupposes that the danger threatening the happiness and repose of men is the fear of supernatural powers and death.

Indeed, this philosophy is scarcely anything else but the classical means to calm the fear of the *numen* and of death by showing them to be "without object."

The influence of the Epicurean critique on the Enlightenment shows itself if one follows the traces of the Enlightenment step by step from its beginnings up to Anatole France. The Epicurean critique is the foundation, or rather the foreground, of the Enlightenment critique. The Epicurean critique thus experiences an essential transformation in the age of the Enlightenment. The Enlightenment, to be sure, is also and especially concerned with the happiness and repose of man, which it sees threatened primarily or exclusively by religious imaginings. However, the Enlightenment understands this happy repose fundamentally differently from the original Epicureans; it understands "peace" in such a way that for it, the civilization, subjection, and improvement of nature—especially human nature—become necessary. While it was the fearfulness of the fearful delusion of religion that animated the struggles of the Epicureans against it, it was the delusionary character of that delusion that the Enlightenment especially aimed at. It does not matter whether religious imaginings are fearful or consoling; as delusions, they deceive men about the real goods and past the enjoyment of the real goods; they divert them away from the real "this-worldliness" to an imaginary "other-worldliness." Men are so misled that they allow a greedy clergy, which "lives" on these delusions, to cheat them of the possession and enjoyment of the real "this-worldly" goods.

Once freed from religious delusions, awakened to a sober recognition of his real situation, and instructed by bad experiences about the threat posed to him by a meager, hostile nature, man recognizes that his sole salvation and duty are not so much "to cultivate his garden" as rather first of all to procure a "garden" for himself by making himself the lord and possessor of nature.

Of course this "crude" conception has long since been "overcome" by one that fully reveals the tendency that announces and betrays itself in the turn from Epicureanism to Enlightenment. Its last and purest expression is that religious imaginings are rejected not because they are fearful but be-

cause they are desirable, because they are consoling. It is not as if religion were a tool, created by man for dark reasons in order to torment himself or to burden his life unnecessarily; rather, it is an escape man has taken for transparent reasons, in order to avoid that terror and hopelessness of life that no advance of civilization can destroy, in order to make life easier to bear.

The last and purest basis of justification for the revolt against the tradition of revelation in the end turns out to be a new form of bravery. It forbids every flight from the horror of life into consoling illusion. It rather takes the eloquent depictions of the misery of man without God as a proof of the goodness of its case. This new bravery, understood as the readiness to hold firm while gazing upon the abandonment of man, as the courage to endure fearful truth, as hardness against the inclination of man to deceive himself about his situation, is called probity.¹²

It is this probity, this "intellectual probity" that commands that all attempts to "mediate" between Enlightenment and Orthodoxy (those of the moderate Enlightenment as well as and especially those of the post-Enlightenment synthesis) be rejected, not just as inadequate but also and above all as lacking in probity. It compels the choice between Enlightenment and Orthodoxy and even commands abstention from the word "God" because it believes that the deepest lack of probity is to be found in the principles of the tradition itself.

Just because of its conscientiousness and morality, this atheism with a good, or even bad, conscience must be distinguished from the conscienceless atheism at which the past shuddered: Instead of wanting to live securely "under cover," the "Epicurean" who became an "idealist" during the persecutions of the sixteenth and seventeenth centuries learned to fight and die for honor and truth. Finally he became the "atheist" who rejected the belief in God out of conscience. With this it becomes clear that this atheism, compared not only with the original Epicureanism but also with the most "radical" atheism of the age of Enlightenment, is a descendant of the tradition grounded in the Bible; it concedes the thesis, the negation of the Enlightenment, on the grounds of an attitude

the Bible alone made possible. Even though it denies that it is a "synthesis" of Enlightenment and Orthodoxy because it does not want to disguise its lack of faith in any way, it is still precisely the latest, most radical, and least contestable reconciliation of these opposing positions.

This atheism is the inheritor and judge of the belief in revelation, of the centuries-old, even millennial, conflict between belief and unbelief, of the ultimately short-lived but not therefore inconsequential romantic longing for lost belief, of Orthodoxy in its complex cunning. Fashioned out of gratitude, rebellion, longing, and indifference, it stands in simple probity. It claims to be capable of an original understanding of the human roots of the belief in God like no earlier philosophy, no philosophy at once less complex and less simple. The last word and final justification of the Enlightenment is atheism out of probity: Free from the polemical bitterness of the Enlightenment and the ambiguous reverence of Romanticism, it overcomes Orthodoxy radically by understanding it radically.

Thus the "truth" of the alternative of Orthodoxy or Enlightenment finally unveils itself as the alternative of Orthodoxy or atheism. Orthodoxy, looking with a hostile eye, knew this from the beginning. Now even the enemies of Orthodoxy no longer dispute it. For a Jew who cannot be orthodox and must hold unconditional political Zionism (the only possible "solution to the Jewish problem" on the basis of atheism) to be a highly honorable but in the long and serious run unsatisfactory answer, the situation created by that alternative, the contemporary situation, seems to allow no way out. This situation does not just appear to allow no way out, it really does not as long as one adheres firmly to modern presuppositions. If in the end there are only the alternatives of Orthodoxy or atheism, and if, correspondingly, the desirability of an enlightened Judaism cannot be rejected, then one is forced to question whether enlightenment must necessarily be modern enlightenment. Unless we can know in advance what cannot be known in advance, namely, that only new, unheard of, ultramodern thoughts can help us out of our predicament, we are obliged to approach the medieval Enlightenment for help—the Enlightenment of Maimonides.

But has not the Enlightenment of Maimonides been overcome long ago? Is it not the forerunner and model of precisely the moderate Enlightenment of the seventeenth and eighteenth centuries, which was least able to maintain itself? Indeed, is it not in some aspects even more "radical," even more dangerous to the spirit of Judaism than the modern Enlightenment itself? Does it not rest upon the unrestorable cosmology of Aristotle? Does it not stand or fall by such a questionable method of interpretation as allegoresis? Therefore, is not the modern Enlightenment, however questionable, nonetheless to be preferred to the medieval Enlightenment?

It would be punishable to pass over these or similar considerations. It would, however, only be possible to discuss them thoroughly, point by point, in the framework of an interpretation of Maimonides' *Guide of the Perplexed*. Instead, in what follows, we will attempt to direct attention to that guiding idea of the medieval Enlightenment that the modern Enlightenment and its heirs have lost. Through an understanding of that idea, many modern convictions and considerations lose their power: It is the idea of Law.

NOTES

Introduction

1. "Irrationalism" is only a variety of modern rationalism, which is "irrational" enough itself.

2. Compare, for example, Spinoza's justification of his antinomianism by recourse to the sentence that man is in the hand of God as clay is in the hand of the potter; see my book, *Spinoza's Critique of Religion*, tr. E.M. Sinclair (New York: Schocken Books, 1965), p. 204. The assertion made in the text is meant in a more important sense than might appear at first; it is to be extended to the philosophical tradition and implies that for the Enlightenment, to the extent that it is more than a restoration of older positions, it is essential to make extremes of the tradition (or the polemic against extremes of the tradition) into the foundation of a position wholly incompatible with the tradition. The intention of the Enlightenment was the rehabilitation of the natural through the denial (or limitation) of the supernatural; its achievement, however, was the discovery of a new "natural" foundation, which is anything but natural, but rather is the residue, as it were, of the "supernatural." By the beginning of modernity, the extreme possibilities and demands that had been discovered, out of the natural and the typical, by the originators of the religious as well as the philosophical tradition had become self-evident; in that sense they had become "natural." Consequently, they are no longer considered extremes in need of a radical explication; instead, they themselves serve as a "natural" foundation for the negation or reinterpretation not just of the supernatural but also and precisely of the natural and the typical. In contrast to ancient and medieval philosophy, which understands the extreme on the basis of the typical, modern philosophy, in its source

and in all cases that it does not reinstate older teachings, understands the typical on the basis of the extreme. In that way the "trivial" questions of the essence of virtue and whether it can be taught are ignored, and the extreme ("theological") virtue of love becomes the "natural" ("philosophical") virtue; in that way, the critique of the natural ideal of courage is "radicalized." The founder of the philosophical tradition made that critique in connection with his discovery of the extreme ideal of knowledge, an ideal that therefore could not be realized during life on earth. (See Plato, *Protagoras*, 349d, and *Laws*, 630c.) The virtuous character of courage thus continued to be recognized. In the "radicalized" critique of the natural ideal of courage, the virtuous character of courage as such is formally denied. In that way too, the extreme case of the right of necessity is made into the foundation of natural right; in that way the polemic against the extreme possibility of miracles becomes the foundation of the "idealistic" shift in philosophy. That natural foundation that was intended by the Enlightenment but that precisely the Enlightenment itself buried can only be made accessible if the Enlightenment's battle against "prejudices"—a battle that has been prosecuted above all by empiricism and by the modern discipline of history—is carried appropriately to the end. The enlightened critique of the tradition must be radicalized, as it was by Nietzsche, into a critique of the principles of the tradition (the Greek as well as the biblical); thereby the original understanding of these principles may again become possible. The "historicization" of philosophy is therefore, and only therefore, justified and necessary. Only the history of philosophy makes possible the ascent out of the second, "unnatural" cave (into which we have fallen, less through the tradition than through the tradition of the polemic against the tradition), into the first, "natural" cave that Plato's image depicts, and the ascent from which, to the light, is the original meaning of philosophizing.

3. We entirely pass over here that even Cohen and Rosenzweig did not establish the original, non-"internalized" meaning of the basic assertions of the tradition.

4. As for Martin Buber's reservations, cf. Rosenzweig's argument with him, which is reprinted in *Zweistromland* (Berlin: 1926), pp. 48ff.

5. The first writings of Rosenzweig (*Hegel und der Staat*, Munich and Berlin: R. Oldenbourg, 1920) as well as of Ernst Simon (*Ranke und Hegel*, Munich and Berlin: R. Oldenbourg, 1928) are devoted to the argument with Hegel.

6. This remark also refers to by far the most significant critique of the Enlightenment that came to light in the course of the return movement: Cohen's critique of Spinoza's theological-political tractate. I provisionally direct attention to my essay "Cohens Analyse der Bibelwissenschaft Spinozas," *Der Jude*, v. viii (1924), pp. 295–314.

7. Lessing, at the beginning of "Gedanken über die Heernhuter," *Gesammelte Schriften* (Berlin: Aufbau-Verlag, 1956), v. 7, p. 185.

8. Cf. here and following Strauss, *Spinoza's Critique of Religion*, pp. 37ff., p. 86, pp. 107–108, pp. 142ff., pp. 204ff., and pp. 209ff.

9. After a freedom, won and legitimized dubiously enough, had become a self-evident possession, one could allow oneself to wish to understand the tradition better than it had understood itself and thereby to hold it at bay by an ambiguous "reverence." There is a contemptuous indignation at the Enlightenment's mockery that is the correlative of this "reverence"; but this indignation is separated from the zealous indignation of Orthodoxy by the same distance that separates the aforementioned synthesis from Orthodoxy; mockery does much more justice to Orthodoxy than this later "reverence."

10. Herein lie the grounds for the fact that the Enlightenment could prove only the unknowability of miracles, not their impossibility, and that, as far as it understood itself, it could only want to prove this.

11. Cf. on this last point Nietzsche, *Beyond Good and Evil* (tr. Walter Kaufmann, New York: Vintage, 1966), aphorism 9.

12. The new probity is something other than the old love of truth; by speaking of the "intellectual conscience," "one means the 'inner' rule of science over man, and not just any science but modern science." (G. Krüger, *Philosophie und Moral in der Kantischen Kritik* [Tübingen: 1931], p. 9, fn. 2). The pristine open-mindedness that characterizes this probity is "the pristine open-mindedness of not being partial in transcendent ideals" (K. Löwith, "Max Weber und Karl Marx," *Archiv für Sozialwissenschaft und Sozialpolitik*, vol. 67, [1932], p. 72ff.). This conception of probity recalls the definition of critique: "Critique . . . has for its essence the negation of the supernatural." Grätry has objected to this: "The essence of critique is attentiveness" (A. Grätry, *Les Sophistes et la Critique* [Paris: 1864], p. 9). The opposition between probity and love of truth can be understood in the sense of this objection. The open confession that one is an atheist and the determined intention to draw all the consequences therefrom—especially rejection, with all its implications, such as the belief in progress, of that half-theism that was the dogmatic and dishonest presupposition of the post-Enlightenment synthesis—is doubtless more

honest than all reconciliations and syntheses. But if one makes an admittedly unprovable atheism into a positive, dogmatic presupposition, then the probity that is thereby expressed is obviously something other than the love of truth.